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HEADLINE: NEWS CONFERENCE WITH  
SECRETARY OF LABOR ROBERT REICH,  
TOM WILLIAMSON, SOLICITOR, DEPARTMENT OF LABOR,  
AND JOE DEAR, ASSISTANT SECRETARY,  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
RE: INDOOR TOBACCO SMOKE  
DEPARTMENT OF LABOR, WASHINGTON, DC

BODY:

SEC. REICH: Good morning. Today I am instructing the Occupational Safety and Health Administration to propose a rule which would dramatically improve air quality for millions of American workers at the work place. Each day in this country, working men and women face a threat to their health because of poor indoor air quality, including tobacco smoke and other contaminants. The decision to propose a strong set of standards to remedy this hazard was not taken lightly. Soon after this administration arrived in Washington, we commenced an analysis of all of the research to date linking poor air quality at the work place to serious illnesses and deaths among American workers, including heart disease, upper respiratory illnesses and disease, and cancer. After many months of analysis, it is clear that there is sufficient evidence to commence this rulemaking proceeding. I should add that the Department of Labor itself is not, at this time, in full compliance with this proposed rule, and I am today asking the assistant secretary for administration and management, working with the department's joint Labor, Management, Safety and Health Committee, and our employee unions to provide me with a plan for improving the air quality and providing all employees with a smoke-free work place in all department facilities in accordance with our proposal. I have asked the Occupational Safety and Health Administration to proceed on this issue quickly, but also carefully. It's my preliminary judgment that the proposed rule will protect the lives of millions of American workers without unduly burdening American employers. We are going to invite comment on this rule, and we will take those comments into full consideration in drafting a final rule.

A well-trained and healthy work force is in the interests not just of American workers, it's in the interests of all Americans, American employers included. There is no better way to improve American productivity and American competitiveness than to ensure a well-trained and healthy work force. Now I'd like to introduce to you two people who have helped in the decision up to date -- Tom Williamson, who is -- on my right -- solicitor of Labor, and also, Joe Dear -- on my left -- who is assistant secretary for occupational

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safety and health.

And Joe, let me ask you to provide your remarks, please.

MR. DEAR: Thank you, Mr. Secretary. Today we're announcing one of the most extensive rulemakings that OSHA has ever undertaken. The indoor air quality provisions of this proposed rule will apply to over 4-1/2 million work sites, and the environmental tobacco smoke provisions of this proposed rule will apply to the over 6 million work sites that are under OSHA's jurisdiction. Now non-industrial work sites include offices, educational facilities, commercial establishments, educational facilities, office areas, and the break rooms of manufacturing or production facilities.

The proposal would require affected employers to develop and implement indoor air quality compliance plans which would include measures such as inspection and maintenance to ensure that current building heating and ventilating systems are functioning as designed. The proposal would not require all building owners and employers to install new ventilation systems. For those buildings where smoking is not prohibited by employers or by local requirements, the proposal would require designated smoking areas which are separate and which have outside exhaust systems.

These rules are an opportunity to invest in prevention. Although there will be costs associated with compliance, the ultimate impact will be a net savings in lives and to the economy. The proposal will protect America's working men and women from heart disease, lung cancer, pulmonary tract infections and countless other diseases and illnesses all linked to poor indoor air quality and environmental tobacco -- (audio break) --

MR. DEAR: The first-year cost, again, is estimated to be \$1.4 billion. The continuing cost is \$6.6 billion.

Q (Off mike.)

MR. DEAR: There is an extensive record produced by virtue of the requests for information that OSHA made several years ago -- over 1,200 comments in the record, and those comments span the gamut from opposition to this action to full support.

Q How would this affect very small -- those with less than 10 employees or people who are self-employed and perhaps even work out of their own homes?

MR. DEAR: Again, OSHA regulates worker safety and health, and holds employers responsible for the safety and health of their workers at their work sites. There is no threshold applied to the indoor air quality or environmental tobacco smoke provisions.

It's commonly thought, apparently, that there is some restriction on OSHA's authority with respect to small employers under 10. That only applies to their scheduling for certain types of inspection. All employers are required to comply. A self-employed individual, by virtue of being self-employed -- not an employer -- is not subject to Occupational Safety and Health Administration regulation.

Q (Off mike) -- situations like you mentioned with restaurants where it's going to be basically or virtually impossible to have smoking in those situations -- (off mike)?

MR. DEAR: That's the -- I think the most prominent example of an impact. We expect if others exist, they will be brought to our attention in the public hearing process.

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Q How about outdoor work sites? Does it affect them at all?

MR. DEAR: Yes.

Q How?

MR. DEAR: Well, it includes -- it does include the construction industry.

Q So there you couldn't have a separate room, so it would just be a ban on smoking, I guess.

MR. DEAR: Again, with respect to -- say that's a public facility and OSHA's regulatory authority is between employer and employees. Q On the outside work site it would -- it wouldn't be the separate room alternate there.

MR. DEAR: At the outdoor facility -- the rule covers indoor air quality and indoor environments, non-industrial work sites. So outdoor facilities are not directly affected by this.

Q It would not include, then, agricultural workers who are working with pesticides, or fumes from the cutting of tobacco leaves, for instance, which is a known danger?

MR. DEAR: We -- this is a -- pesticide regulation is primarily a function of the Environmental Protection Agency under the way responsibilities are divided up under federal law.

With respect to agricultural employees, they are covered by OSHA, and we are aware of the study produced by the National Institute of Occupational Safety and Health with respect to health problems associated with tobacco harvesting. This rule does not have any affect on that particular work place problem.

Q How much flexibility will you be willing to give in the comment period, and do you think you will be willing to exempt restaurants from that?

SEC. REICH: Let me turn this over to our solicitor here.

MR. WILLIAMSON: The reason we have a comment period is to try to inform ourselves about the perspectives of various different interests. I think it would be premature to announce before we've gotten the comments what degree of flexibility we would respond with. I think that depends on the newness of the information and other merits of the comments that are actually provided.

SEC. REICH: I want you all to be clear about this, that we feel there is sufficient evidence to move ahead with this. There is a large body of empirical research showing a linkage and linkages between air contaminants, including tobacco smoke, but also other contaminants, and injuries, illnesses, death from those contaminants at the work place -- sufficient evidence to commence this rulemaking.

We want to provide parties an opportunity to provide additional evidence, to give us whatever other comments, whatever evidence -- additional evidence may be out there.

STAFF: Ladies and gentlemen, one more question, please.

Q In addition to restaurants, wouldn't bars essentially be no smoking areas as well?

MR. DEAR (?): Yes. STAFF: Thank you very much.

SEC. REICH: Thank you.

END

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